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The situation in the Middle East

Question of Palestine

Security Council
Sixty-sixth year

Identical letters dated 10 August 2011 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith relevant documents along with letters written by 45 prominent Palestinians from Jerusalem and Israel, including Christian and Muslim figures, politicians, businesspeople and civil society activists, addressed to the United Nations High Commissioner for Human Rights, Navanethem Pillay, and the Director-General of the United Nations Educational, Scientific and Cultural Organization (UNESCO), Irina Bokova, urging that they take action to stop the continued destruction of Ma'man Allah Cemetery in Jerusalem by the Israeli Government (see annex).

The present letter is in follow up to our letter dated 9 April 2010 (A/ES-10/486-S/2010/184), in which we enclosed the petition "Urgent action on human rights violations by Israel: Desecration of the Ma'man Allah (Mamilla) Muslim Cemetery in the Holy City of Jerusalem", filed by Palestinian individuals whose ancestors are buried at Ma'man Allah Cemetery in addition to several other NGOs from Palestine, Israel and the United States that oppose the establishment of so called Centre for Human Dignity and Museum of Tolerance on the human remains of the dead Muslims buried in the Cemetery.

We would like to recall that the Charter of the United Nations reaffirmed "faith in fundamental human rights, and in the dignity and worth of the human person" and committed all Member States to promote "universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion". Ironically both the Centre and the Museum bear names that do not befit this act of bigotry and contempt against the dignity and worth of the human person. Protection of cultural heritage and cultural property, including religious sites such as cemeteries, is guaranteed by international human rights instruments such as the UNESCO World Heritage Convention, the Universal Declaration of Human Rights, the International Covenant on Civil and Political

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Rights and the International Convention on Economic, Social and Cultural Rights. Further building in the cemetery constitutes a violation of basic human rights, including the right to manifest religious beliefs, the right to family and culture, and the right to freedom from discrimination, as set forth in the Convention on the Elimination of All Forms of Racial Discrimination.

Israel, the occupying Power, must be compelled to put an end to its unlawful policy of discrimination and contempt towards Palestinian Muslim and Christian holy places. We call on the international community, in particular the United Nations, to take the necessary actions to put an end to these violations.

I kindly request that the text of the present letter and its annexes be circulated as a document of the General Assembly, under agenda items 36 and 37, and of the Security Council.

(*Signed*) Riyad **Mansour**
Ambassador
Permanent Observer of Palestine to the United Nations

Annex I to the identical letters dated 10 August 2011 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General

center for constitutional rights

الحملة الأهلية للحفاظ على
مقبرة مأمن الله المقدسية
Campaign to Preserve Mamilla Jerusalem Cemetery

CONTACT: Jen Nessel, 212.614.6449, jnessel@ccrjustice.org
David Lerner, Riptide Communications, 212.260.5000

Palestinian Community Leaders Urge UN and UNESCO to Oppose Israeli Construction of "Museum of Tolerance"

CCR and Campaign Continue to Press UN Officials

July 21, 2011, New York, Jerusalem – Forty-five prominent Palestinians from Jerusalem and Israel, including Christian and Muslim religious figures, politicians, businesspeople and civil society activists, today addressed United Nations High Commissioner for Human Rights Navenethem Pillay, and UNESCO Director-General Irina Bokova, urging that they take action to stop the continued destruction of Mamilla Cemetery in Jerusalem. The *Campaign to Preserve Mamilla Jerusalem Cemetery* – a group of 60 individuals with ancestors buried in the cemetery who originally petitioned the same two officials in February 2010 with legal counsel from the Center for Constitutional Rights – transmitted the letter to the Center for Constitutional Rights, which submitted it to the UN and UNESCO officials today.

The signatories span a wide political spectrum, including Israeli Arab members of the Knesset from various political parties and Jerusalemite Ministers and senior officials of the Palestinian Authority and the Palestinian Liberation Organization. Prominent religious leaders have also joined the appeal, including Greek Orthodox Archbishop Attalah Hanna and Shaykh Akrama Sabri – President of the High Islamic Council, with inter-denominational support from Jerusalem community groups. (The list of signatories is attached).

The letter comes in the wake of the Israeli Interior Ministry's approval on July12, 2011 of construction plans for the U.S.-based Simon Wiesenthal Center's "Center for Human Dignity – Museum of Tolerance" on the site of part of an ancient Muslim cemetery in the heart of Jerusalem, where thousands of human remains, gravestones and archaeological artifacts have already been desecrated and destroyed. This approval gives the final administrative green light for construction to begin immediately. It follows the Jerusalem Municipality's razing of dozens of grave markers in the small part of the cemetery that remains intact, provoking outrage among the Petitioners and other Palestinians who consider the cemetery part of their cultural heritage.

In their letter, the community leaders expressed alarm at the official Israeli permission for construction work to begin on the site of the cemetery "for what they brazenly and unashamedly call a Center for Human Dignity – Museum of Tolerance! What humanity could this possibly refer to? And what dignity? And what tolerance?" Their letter appeals to the UN officials "for immediate intervention" by "sending a delegation to investigate the situation and putting pressure on the government of Israel, as was requested by the Human Rights Council Resolution of 2010." It emphasizes the "sanctity, location and historical importance of this cemetery, and the fact that it is an exceptional archaeological site, which is no less holy than the Christian or Jewish cemeteries whose profanation is also prohibited." The signatories also request that the international officials "give the necessary priority to the study of the Petition submitted…by a distinguished group of Jerusalemites…which includes thorough historical and legal documentation, and rightful and just requests that no reasonable person could refuse."

"This is not an issue that will disappear, and we are determined to show that it is a cause that unites all religions, and people across the political spectrum. We need action to ensure that this outrage to human dignity and tolerance does not continue, and is not repeated," says President of Al Quds University **Sari Nusseibeh**, one of 60 original Petitioners represented by CCR, and a signatory to the letter.

This eleventh-hour appeal follows the Center for Constitutional Rights' recent efforts to prompt action by the UNHCHR and UNESCO, which have yet to act on Petitioners' requests. "The pleas of people who are trying to protect the remains of their ancestors buried in Mamilla Cemetery have been largely disregarded by the international community, including the United Nations officials tasked with protecting their human rights," says CCR Acting Legal Director, **Maria LaHood**. "We will continue to appeal to the conscience of the world to prevent construction of the Museum, which is an attempt to erase Palestinian history and cultural heritage in Jerusalem."

The Petition, Addendum and other documents are available at www.mamillacampaign.org and http://www.ccrjustice.org/ourcases/current-cases/mamilla.

The Center for Constitutional Rights is dedicated to advancing and protecting the rights guaranteed by the United States Constitution and the Universal Declaration of Human Rights. Founded in 1966 by attorneys who represented civil rights movements in the South, CCR is a non-profit legal and educational organization committed to the creative use of law as a positive force for social change. Visit www.ccrjustice.org. Follow @theCCR.

The Campaign to Preserve Mamilla Jerusalem Cemetery was initiated by the Petitioners, and is a wholly civil, volunteer initiative with no political coloring. All 60 individual petitioners are descendants of 15 of Jerusalem's most prominent and longest established families and have no relation with previous individual or institutional claimants in Israeli courts. The Petition was also supported by 16 human rights non-governmental organizations, based in Israel and the Occupied Palestinian Territory, including Jerusalem.

Annex II to the identical letters dated 10 August 2011 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General

الحملة الأهلية للحفاظ على

مقبرة مأمن الله المقدسية

Campaign to Preserve
Mamilla Jerusalem Cemetery

Jerusalem, 20 July 2011

Ms. Navanethem Pillay, United Nations High Commissioner for Human Rights;

Ms. Irina Bokova, Director-General, UNESCO

Please find attached a letter addressed to you jointly from a group of 45 distinguished community leaders from Jerusalem and Israel, which they have requested be transmitted to you through our Campaign network to ensure it receives the attention it deserves.

As you are surely aware, our Campaign consists of a group of 60 Jerusalemites whose ancestors' remains repose in Mamilla Cemetery in the Holy City of Jerusalem, an antiquity site subject to "development" by the Simon Weisenthal Centre (SWC) into a "Museum of Tolerance" that will violate our core human rights and cultural heritage.

We have petitioned you both, we have exerted efforts to approach those SWC donors funding this desecration, we have even reached out to the Elders. And our just and legitimate demands continue to be met with a stony silence.

Please be assured that this is not an issue that will disappear, and that we are determined to show that Mamilla is a cause that unites all religions, and people across the political spectrum. We need your support and action to ensure that this outrage to human dignity and tolerance does not continue, and is not repeated.

On behalf of the *Campaign to Preserve Mamilla Jerusalem Cemetery*,

Professor Sari Nusseibeh

Ms. Huda Al-Imam

Ms. Dyala Husseini Dajani

Mr. Asem Said Khalidi

Letter dated 20 July 2011 from the Acting Legal Director of the Center for Constitutional Rights addressed to the United Nations High Commissioner for Human Rights

We enclose herewith a letter addressed to you by forty-five prominent Palestinians from Jerusalem and Israel, including Christian and Muslim religious figures, politicians, businesspeople and civil society activists, urging you to take action to stop the continued destruction of Mamilla Cemetery in Jerusalem. The letter is enclosed in Arabic, along with an English translation. This letter was transmitted to the Center for Constitutional Rights (CCR) by the *Campaign to Preserve Mamilla Jerusalem Cemetery*, which CCR has been working with and which originally petitioned you in February 2010 to intervene regarding Israel's desecration of the historic Mamilla cemetery so that the Los Angeles based Simon Wiesenthal Center can construct a so-called "Museum of Tolerance." The Campaign's cover letter to you is also enclosed.

We greatly appreciate the urgent attention of the Office of the United Nations High Commissioner for Human Rights to this matter and look forward to your response. Please feel free to contact me at 212-614-6430 or mlahood@ccrjustice.org if you have any questions or need any additional information.

Sincerely,

Maria Clahood

Maria C. LaHood
Acting Legal Director

Encls.

Letter dated 20 July 2011 from the Acting Legal Director of the Center for Constitutional Rights addressed to the Director-General of UNESCO

We enclose herewith a letter addressed to you by forty-five prominent Palestinians from Jerusalem and Israel, including Christian and Muslim religious figures, politicians, businesspeople and civil society activists, urging you to take action to stop the continued destruction of Mamilla Cemetery in Jerusalem. The letter is enclosed in Arabic, along with an English translation. This letter was transmitted to the Center for Constitutional Rights (CCR) by the *Campaign to Preserve Mamilla Jerusalem Cemetery*, which CCR has been working with and which originally petitioned you in February 2010 to intervene regarding Israel's desecration of the historic Mamilla cemetery so that the Los Angeles based Simon Wiesenthal Center can construct a so-called "Museum of Tolerance." The Campaign's cover letter to you is also enclosed.

We greatly appreciate the urgent attention of UNESCO to this matter and look forward to your response. Please feel free to contact me at 212-614-6430 or mlahood@ccrjustice.org if you have any questions or need any additional information.

Sincerely,

Maria C. LaHood
Acting Legal Director

Encls.

cc: Mr. Francesco Bandarin, UNESCO Assistant Director-General for Culture

Attachment

Jerusalem, 20 July 2011

Ms. Navanethem Pillay, United Nations High Commissioner for Human Rights;

Ms. Irina Bokova, Director-General, UNESCO

RE: Urgent Action to Prevent the Jerusalem Municipality from Completely Desecrating Ma'man Allah (Mamilla) Cemetery

With our warmest regards from the Holy City of Jerusalem,

Mamilla Cemetery is one of the oldest Palestinian cemeteries, in which were buried numerous Companions and followers of the Prophet Muhammad, learned scholars, military commanders and many notables of Jerusalem throughout history. Unfortunately, ever since the Nakbah, this cemetery has been continuously targeted by the Israeli authorities. Indeed, 85 per cent of its area has been turned into parks and streets, and buildings have been erected over parts of it. Only 23 dunums of the cemetery remain, and even this area has not been spared by the Israeli authorities, which have attempted to dispose of what is left of it in any way possible.

On 25 June 2011, under cover of darkness in the late hours of the night, Jerusalem Municipality bulldozers entered Mamilla Cemetery and completely destroyed some 100 graves and grave markers. The authorities are still determined to continue the levelling and destruction of the graves of Jerusalem's ancestors, and they have placed red marks on dozens of additional graves in preparation for their destruction. This comes against the backdrop of official threats that construction will begin on the site of the cemetery of what they brazenly and unashamedly call "A Center for Human Dignity — Museum of Tolerance"! *We ask you: To what humanity could this possibly refer? What dignity? What tolerance?*

In the face of these troubling developments, we the undersigned, in the name of our steadfast Muslim and Christian Arab people in the Holy Land and the Holy City of Jerusalem, the "Flower of Cities", appeal urgently for you to intervene immediately in order to stop the desecration of this cemetery by sending a delegation to investigate the situation and putting pressure on the Government of Israel, in accordance with the Human Rights Council resolution of 2010. This is especially important in light of the sanctity and historical importance of this cemetery, and the fact that it is an exceptional archaeological site, which is no less holy than the Christian or Jewish cemeteries whose desecration is also prohibited.

We therefore ask that you accord due priority to considering the petition submitted to you by a distinguished group of Jerusalemites, represented by the Center for Constitutional Rights in New York, which includes thorough historical and legal documentation on this issue and rightful and just requests that no reasonable person could refuse.

Thank you for your cooperation.

- Shaykh Ibrahim Sarsour — Member of Knesset.
- Mr. Ibrahim Matar — The National Christian Society.
- Mr. Ahmed Hashem al-Zaghayer — President, Union of Chambers of Commerce.
- Mr. Usama al-Sa'adi — Attorney.
- Ms. Ilham Salama, Social Department, YMCA.
- Mr. Iyad al-Masrouji — Businessman and Investor.
- Mr. Bernard Sabella — Member of Palestinian Legislative Council.
- Mr. Tawfiq Habash — Businessman.
- Mr. Jamal Zahalqa — Member of Knesset.
- Dr. Jamal Nusseibeh — Attorney-at-Law.
- Mr. Hatem Abd Al-Qader — Minister for Jerusalem Affairs, Palestinian Authority.
- Mr. Hana Siniora — Businessman.
- Mr. Hana 'Amira — Member of the Executive Committee, Palestine Liberation Organization.
- Engineer Khaled al-Kaluti — Member of the Board of Trustees of the Welfare Association.
- Ms. Dina Zarina — Secular Committee in the Holy Land.
- Ms. Rania Elias — Director, Yabous Cultural Center.
- Ms. Randa Makhlouf — Secular Committee in the Holy Land.
- Engineer Zaki Aghbariya — President Al-Aqsa Association for Waqf and Culture.
- Ms. Zahira Kamal — Secretary General Fida, Former Minister, Palestinian Authority.
- Dr. Sari Nusseibeh — President, Al-Quds University.
- Mr. Salah Atallah — Businessman.
- Engineer Adnan al-Husseini — Governor of Jerusalem District, Palestinian Authority.
- Mr. Azzam Abu Sa'ud — General Director, Jerusalem Chamber of Commerce.
- Dr. Afu Ighbaria — Member of Knesset.
- Archbishop Atallah Hanna.
- Shaykh Dr. Akrama Sabri — President of the High Islamic Council and Preacher of the Aqsa Mosque.
- Mr. Omar al-Alamy — Associate General Director, Jerusalem Cigarette Company.
- Mr. Francis Tamas — Financial Expert.

- Engineer Fouad al-Daqqaq — Advisor, Jerusalem Holding Company.
- Shaykh Kamal al-Katib — Vice President of the Islamic Movement in Israel.
- Engineer Mazen Sinokrot — Former Minister and businessman.
- Mr. Muhammad Baraka — Member of Knesset.
- Dr. Muhammad Jadallah — Representative of National Forces in Jerusalem.
- Mr. Muhammad Zaydan — President, Arab Higher Follow-up Committee in Israel.
- Dr. Mohamed al-Masrouji — President of the Board of Directors, Businessmen's Association and businessman.
- Rosary Sister's High School.
- Mr. Mas'ud Ghanaim — Member of Knesset.
- Engineer Mustafa Abu Zahra — President of the Council of Islamic Cemeteries in Jerusalem.
- Dr. Mahdi Abd al-Hadi — President, Palestinian Academic Society for International Affairs.
- Shaykh Najih Bakirat — Head, Manuscripts and Culture Section, Al-Aqsa Mosque.
- Professor Nabil Mashhour — President of the Union of the Arab Orthodox Club.
- Ms. Hind Khoury — Former Minister and Jerusalemite Activist.
- Mr. Hisham al-Kalouti — Jerusalemite Activist.
- Mr. Wasif Thahir — President of the Board of Directors, YMCA Jerusalem.
- Mr. Yusef Sanahir — Center for Church Relations.

cc:

- Ambassador Ibrahim Khreishi, Permanent Observer of Palestine to the United Nations Office at Geneva
- Ambassador Elias Sanbar, Permanent Observer of Palestine at UNESCO, Paris
- Ambassador Riyad Mansour, Permanent Observer of Palestine to the United Nations in New York
- Mr. Michael Ratner, Ms. Maria LaHood, Center for Constitutional Rights, New York.